

**CITY GOVERNMENT  
OFFICIAL PROCEEDINGS OF CITY COUNCIL  
SAVANNAH, GEORGIA  
March 24, 2011**

The regular meeting of Council was held this date at 2:00 P.M. in the Council Chambers of City Hall. The Invocation was given by Alderman Sprague, followed by the Pledge of Allegiance to the Flag. The Summary Minutes of the LNG Town Hall Meeting of March 7, 2011; the Summary Minutes of the March 10, 2011 City Council Workshop and City Manager's Briefing; the City Council Minutes of the March 10, 2011; and the Special Meeting Minutes of the March 18, 2011 Meeting, were approved upon motion of Alderman Johnson, seconded by Alderman Jones, and carried.

**PRESENT:** Mayor Otis S. Johnson, Presiding  
Mayor Pro-Tem Edna B. Jackson  
Alderman Tony Thomas, Chairman of Council  
Alderman Van Johnson, II, Vice-Chairman of Council  
Aldermen Clifton Jones, Jeff Felser, Mary Osborne and  
Mary Ellen Sprague

Acting City Manager Rochelle D. Small-Toney  
City Attorney James B. Blackburn  
Asst. City Attorneys William W. Shearouse and Lester B. Johnson, III

**ABSENT:** Alderman Larry Stuber (out of town)

Upon motion of Alderman Jackson, seconded by Alderman Jones, approval was given for the Mayor to sign an affidavit and resolution for an Executive Session held today to discuss litigation, where no votes were taken (SEE RESOLUTIONS).

Mayor Johnson stated that in Executive Session this date the Council received a reply from the Acting City Manager in response to their offer and the terms of employment; the offer was accepted. Upon motion by Alderman Osborne, seconded by Alderman Johnson and carried, Rochelle D. Small-Toney was appointed City Manager of the City of Savannah. Mayor Johnson stated Alderman Stuber was out of town and could not be at the meeting; but let the record show the Council voted 8-0 in favor of this appointment.

**PRESENTATIONS**

Savannah Youth Council members Anthony Nolan and Alex Hale spoke of their experiences on their annual legislative trip to Washington D.C. with the Chatham County Youth Commission. Alderman Johnson stated the students had experiences that they will remember for a lifetime. Mayor Johnson challenged each one to solicit members for the Youth Commission. He also recognized Youth Council Coordinator Carlis Bates.

**LEGISLATIVE REPORTS**

As advertised, the following alcoholic license petitions were heard. No one appeared in objection to the issuance of the licenses and upon motion of Alderman Thomas, seconded by Alderman Felser, and carried, they were approved:

## **ALCOHOL BEVERAGES LICENSE HEARING**

Amy Friess for Joey Properties, LLC d/b/a Retro On Congress, requesting a liquor, beer and wine (drink) license at 125 W. Congress Street, which had a 2010 liquor, beer and wine (drink) license and is located between Whitaker and Barnard Streets in District 1. (New ownership of a business closed last November.)

James M. Jones t/a Red & White Foods No. 2, requesting to transfer a beer and wine (package) license from Roy W. Smith t/a Kroger Supermarket at 3310 Ogeechee Road, which is located between Liberty Parkway and 52<sup>nd</sup> Street in District 5. (Transfer due to new ownership.)

Bhavisha M. Patel t/a M&M Corner Inc., requesting a beer and wine (package) license at 2314 Skidaway Road, which is a new location between 39<sup>th</sup> and 40<sup>th</sup> Streets in District 3. (New location.)

Christine Watring t/a Food Lion No. 1181, requesting to transfer a beer and wine (package) license from Antonio Sheppard at 8914 White Bluff Road, which is located between Wesley Street and Paradise Park Drive in District 4. (New manager/applicant.)

## **ZONING HEARINGS**

Christian B. Sottile, Agent for Chatham County, Owner/Petitioner (Z-110112-36865-2 and M-110120-32069-2), requested the rezoning of Parcel 7, Hutchinson Island, from PUD-B-W-70 (Planned Unit Development Waterfront Urban Center – 70 dwelling units an acre) to P-BC-1 (Planned Central Business) in conjunction with a master plan pursuant to Section 8-8031 (D)(1)(a) of the City's Zoning Ordinance. The Metropolitan Planning Commission (MPC) recommends approval of a rezoning from PUD-B-W-70 to a PUD district in conjunction with a master plan pursuant to Section 8-8031 (D)(1)(a) as an alternative to the requested P-BC-1 classification, including specified uses and exemption from certain performance standards. The Downtown Expansion area is intended to build upon the success of the adjacent central business district, providing for a greater variety of land uses and more flexible development standards, including density, than would be permitted by the BC-1 zoning district. An alternative PUD district with a regulating master plan would be more consistent and appropriate zoning for the Downtown Expansion area. (The petitioner has requested first and second reading of the rezoning ordinance on March 24, 2011.)

Mayor Johnson opened the Public Hearing for comments; no one spoke. Alderman Felser made a motion to close the public hearing, seconded by Alderman Jackson, and carried. Upon motion of Alderman Jackson, seconded by Alderman Felser and carried, the request was approved.

Jay Maupin, Agent for Roy Maynard, Owner/Petitioner (Z-110111-62792-2), requested the rezoning of 401 W. Gaston Street from R-B-C-1 (Residential-Business-Conservation, Extended) to BC-1 (Central Business). The proposed zoning will allow development of a vacant parcel and is consistent with both the Comprehensive Plan and similarly zoned properties in the block. The more flexible development standards of the BC-1 classification will allow for constructive use of the property and will help assure that traffic safety standards are adequately met by not requiring curb cuts. The potential addition of this property to an area currently zoned BC-1 and BC should have minimal impact and provide no significant change in neighborhood character. MPC recommended approval to rezone the property from R-B-C-1 to BC-1.

Mayor Johnson opened the Public Hearing for comments; no one spoke. Alderman Johnson made a motion to close the public hearing, seconded by Alderman Jackson, and carried. Upon motion of Alderman Johnson, seconded by Alderman Felser and carried, the request was approved.

# **ORDINANCES**

Ordinance read for the first time in Council:

Waste Cooking Oil Recycling. An ordinance to require food service establishments to recycle waste cooking oil in order to protect the sanitary sewer and storm water infrastructure; to require waste cooking oil to be stored in or on private property; to provide that in cases where the food service establishment has no room to store this product in compliance with health codes the owner shall apply for a Temporary Use of Right of Way permit; to require all waste cooking oil collection companies to register with the Water Reclamation Department annually and report the assignment of storage devices to each food service establishment serviced; to establish maintenance and operational standards; and to provide for fees and an effective date of January 1, 2012.

## **Second Readings**

Rezoning of Parcel 7, Hutchinson Island (Z-110112-36865-2 and M-110120-32069-2).  
An ordinance to rezone Parcel 7, Hutchinson Island, from PUD-B-W-70 (Planned Unit Development Waterfront Urban Center – 70 dwelling units an acre to a PUD district in conjunction with a master plan pursuant to Section 8-8031 (D)(1)(a) including specified uses and exemption from certain performance standards.

## **AN ORDINANCE** **To Be Entitled**

AN ORDINANCE TO REZONE CERTAIN PROPERTY FROM ITS PRESENT ZONING CLASSIFICATION OF PUD-B-W-70 TO A ZONING CLASSIFICATION OF P-BC-1; TO REPEAL ALL OTHER ORDINANCES IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES:

BE IT ORDAINED by the Mayor and Aldermen of the City of Savannah, Georgia, in a regular meeting of Council assembled and pursuant to lawful authority thereof:

SECTION 1: The following described property be rezoned from its present zoning classification of a PUD-B-W-70 to a zoning classification of P-BC-1:

### Legal Description

Beginning at a point [ X 990732.33 Y 761195.53 ] located at the intersection of the centerlines of the South bound lane of Wayne Shackleford Blvd. and International Drive thence proceeding in a Southwesterly direction along the centerline of International Blvd. for a distance of approximately 1499.2 feet to a point thence proceeding along a line in a Northwesterly direction N 72-53-42 W for approximately 135.7 feet to a point thence proceeding along a line in a Northeasterly direction N 2-33-49 E for a distance of approximately 915.41 feet to a point thence proceeding along a line in a Northeasterly direction N 2-33-49 E for a distance of approximately 344.4 feet to a point thence proceeding along a line in a Southeasterly direction S 87-8-23 E for a distance of approximately 206 feet to a point thence proceeding along a line in a Northeasterly direction N 1-27-32 E for a distance of approximately 230 feet to a point, thence proceeding along a line in a Southeasterly direction S 82-39-40 E for a distance of approximately 42.7 feet to a point, thence proceeding along a line in a Northwesterly direction N 6-7-56 W for a distance of approximately 60.8 feet to a point, thence proceeding along a line in a Northwesterly direction N 13-36-44 W for a distance of approximately 28.6 feet to a point, thence proceeding along a line in a Southeasterly direction S 88-14-48 E for a distance of approximately 130.6 feet to a point, thence proceeding along the centerlines of the South bound lane of Wayne Shackleford Blvd in a Southeasterly direction for a distance of approximately 385.1 feet to a point, [ X 990732.33 Y 761195.53 ] said point being, the point of beginning.

The property is further identified by the Property Identification Number as follows: P.I.N. 2-0436-01-010

SECTION 2: That the requirement of Section 8-3182(f)(2) of said Code and the law in such cases made and provided has been satisfied. That an opportunity for a public hearing was afforded anyone having an interest or property right which may have been affected by this zoning amendment, said notice being published in the Savannah Morning News, on the day of 2010, a copy of said notice being attached hereto and made a part hereof.

SECTION 3: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

ADOPTED AND APPROVED THIS 24<sup>TH</sup> DAY of MARCH, 2011 UPON MOTION BY ALDERMAN JOHNSON, SECONDED BY ALDERMAN THOMAS AND CARRIED.

## **RESOLUTIONS**

### **A RESOLUTION OF THE MAYOR AND ALDERMEN OF THE CITY OF SAVANNAH AUTHORIZING THE MAYOR TO SIGN AFFIDAVIT OF EXECUTIVE SESSION**

BE IT RESOLVED by the Mayor and Aldermen of the City of Savannah as follows:

At the meeting held on the 24<sup>th</sup> day of March, 2011 the Council entered into a closed session for the purpose of discussing personnel. At the close of the discussions upon this subject, the Council reentered into open session and herewith takes the following action in open session:

1. The actions of Council and the discussions of the same regarding the matter set forth for the closed session purposes are hereby ratified;
2. Each member of this body does hereby confirms that to the best of his or her knowledge, the subject matter of the closed session was devoted to matters within the specific relevant exception(s) as set forth above;
3. The presiding officer is hereby authorized and directed to execute an affidavit, with full support of the Council in order to comply with O.C.G.A. §50-14-4(b); 17
4. The affidavit shall be included and filed with the official minutes of the meeting and shall be in a form as required by the statute.

ADOPTED AND APPROVED THIS 24<sup>TH</sup> DAY OF MARCH 2011, UPON MOTION OF ALDERMAN JACKSON, SECONDED BY ALDERMAN THOMAS AND CARRIED.

Environmental Impact Analysis for LNG Trucking Proposal. A resolution urging the Federal Energy Regulatory Commission to perform a full environmental impact analysis for the application filed by Southeast Liquid Natural Gas to truck LNG through Savannah.

Alderman Felser thanked Ms. Toney for promptly giving Council the resolution, which correctly reflects both factually and emotionally the overwhelming majority the requests of the citizens of Savannah. He asked Ms. Toney to transmit the resolution to the Senators and Congressmen since they operate on the federal level, and they needed all the help they could get in this matter. He once again thanked Ms. Toney for her work.

Alderman Osborne acknowledged the fact that St. Joseph/Candler Hospital as well as Memorial Hospital has joined the City in efforts in requesting the study be done. She also urged the citizens of Savannah to urge every entity in the City and County that reflects them, to join in the support of this effort. A total united front is needed as they approach this matter.

Alderman Jackson stated she attended the Pine Garden Neighborhood Association and they requested she give a letter, which will be forwarded to Congressman John Barrow,

in support of the study. She then read it into the minutes. The letter is on file in the Clerk of Council's Office.

**A RESOLUTION URGING THE FEDERAL ENERGY REGULATORY COMMISSION TO PERFORM A FULL ENVIRONMENTAL IMPACT ANALYSIS FOR THE APPLICATION FILED BY SOUTHEAST LIQUID NATURAL GAS TO TRUCK LIQUID NATURAL GAS THROUGH SAVANNAH.**

**WHEREAS**, the Federal Energy Regulatory Commission (FERC) is approaching a decision on an application from Southeast Liquid Natural Gas (LNG) that, among other things, seeks permission to truck major quantities of liquefied natural gas through the city of Savannah; and

**WHEREAS**, the City of Savannah has asked for and not received from Southeast LNG the necessary information to examine appropriately all the effects and concerns surrounding the trucking of LNG as part of the hazardous materials flow in Savannah; and

**WHEREAS**, the Acting City Manager, who is an intervener in the regulatory process, submitted comments and concerns regarding the application in a letter to the Secretary of FERC dated September 13, 2010 and strongly urged FERC to perform a full Environmental Impact Analysis for the proposed project, with special attention to the safety and security risks of accidental or intentional LNG truck-loading and truck transportation releases, requirements for adequate emergency response, and related subjects; and

**WHEREAS**, public meetings held by FERC as well as special Town Hall meetings the City of Savannah held on October 7, 2010 and March 7, 2011 revealed significant unanswered questions and continuing citizen concern about the safety, security, cost, environmental and other effects of the proposed trucking as reflected in the attached letter from Memorial Health.

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Aldermen of the City of Savannah hereby urge the Federal Energy Regulatory Commission to perform a full Environmental Impact Analysis for the application filed by Southeast Liquid Natural Gas to truck liquid natural gas through Savannah with the full Environmental Impact Analysis to include the proposed route and every possible alternate route including routes of the future.

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, that the Clerk of Council is authorized and directed to transmit an appropriate copy of this resolution to the Federal Energy Regulatory Commission and to our U.S. Senators and Representatives.

**ADOPTED AND APPROVED THIS 24<sup>TH</sup> DAY OF MARCH 2011, UPON MOTION OF ALDERMAN FELSER, SECONDED BY ALDERMAN THOMAS AND CARRIED.**

Mayor Johnson asked that the record show that the vote was 8 – 0 with Alderman Stuber out of town.

## **MISCELLANEOUS ITEMS**

Airport Series 2001A and 2001B Revenue Bond Refunding. Because municipal interest rates are at or near historic lows, the City's airport revenue bonds issued in 2001 are candidates for a current refunding at lower interest rates which will achieve debt service cost savings. Assuming recent prevailing interest rates, estimated average annual savings to the Airport is about \$140,000 with a total net present value savings of approximately \$760,000. The actual amount of savings will depend on interest rates prevailing at the time the refunding bonds are sold. The Airport Commission staff has requested the assistance of the City in undertaking this transaction. An important question in such a transaction is the method used to sell the bonds. Two main methods are available: 1) competitive sale and 2) negotiated sale. In the past, the City has had great success in

achieving the lowest possible interest cost for its highly rated general obligation and water and sewer revenue bonds by use of the competitive sale method. However, due to the depressed state of airline profitability (which provides a large share of a typical airport's revenue) bond investors are not currently enthusiastic buyers of airport revenue bonds. Under this circumstance, the Airport will be best served by selling the refunding bonds on a negotiated basis. Selling the bonds on a negotiated basis will incent the selected underwriters to indentify bond investors for the bonds before committing to a purchase price, thereby avoiding a substantial risk cost that would be built into bond pricing under a competitive sale. For this and related reasons, the vast majority of airport revenue bonds issued since 2006 have been sold via negotiated sale.

It is therefore recommended that City staff be authorized to assist the Airport Commission staff in the preparation of a negotiated sale for the purpose of refunding the Series 2001A and 2001B Airport Revenue Bonds to achieve debt service cost savings. A competitive RFP will be issued to all bond dealers with a Georgia presence and/or Georgia experience with the goal of assembling an underwriting team for a negotiated bond sale which will include minority firm participation. It is also recommended that the City Manager be authorized to execute a contract with Robert W. Baird & Co. which will team with M. Johnson Consultants, LLC (a minority and female business enterprise) to assist staff in conducting the RFP process and for other financial advisory services related to bond issuance.

City Attorney Blackburn stated the specific recommendation is that the City Manager be authorized to assist the Airport Commission staff in the preparation of a negotiated sale for the purpose of refunding the Series 2001A and 2001B Airport Revenue Bonds to achieve debt service cost savings. Chairman of Airport Commission Sylvester Formey and Executive Director of the Airport Patrick Graham was present. Mayor Johnson expressed the pleasure of Council for the progress being made at the airport; it is one of the things that make the region what it is. He said it is not often the Council gets to say that they appreciate their leadership and work they do. Mr. Formey stated he appreciated the comments and that they were very busy at the airport. Mr. Graham expressed his appreciation to Ms. Toney and Dick Evans, and the Council for their support.

Upon motion by Alderman Johnson, seconded by Alderman Jackson and carried, the request was approved,

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Upon motion of Alderman, seconded by Alderman and carried, the following **bids, contracts and agreements** were approved:

### **BIDS, CONTRACTS AND AGREEMENTS**

Special Construction Agreement – Pennsylvania Avenue AT&T Lines. The City requested that AT&T remove its wooden utility poles and relocate its overhead transmission cables below grade along Pennsylvania Avenue between Gwinnett Street and Elgin Street in front of Savannah Gardens. These unsightly poles and cables are generally located on the east side of Pennsylvania Avenue. Leaving them in place will detract from the new Savannah Gardens development that includes new underground utilities. This would also necessitate the placement of additional poles in the center and on both sides of the new “town center”. Above ground AT&T lines on Pennsylvania will also negatively impact building locations and tree preservation. It is not possible to relocate these lines to Georgia Power transmission poles left in place on the west side of Pennsylvania Avenue. The span between the GA Power poles is too large for the weight of the AT&T cables and the vertical clearance between GA Power and AT&T lines is insufficient. The City's infrastructure contractor, Astra Group, has closed Pennsylvania Avenue between Gwinnett Street and Elgin Street in order to install new infrastructure. The road must be reopened by June 1—the beginning of hurricane season. It is important that utility companies perform as much work along Pennsylvania Avenue as they can while the road is open and under reconstruction. Utilities must also be in place for Mercy

Housing to open the first of its rental units in July. Getting AT&T to begin and complete its work as quickly as possible along this corridor is critical. AT&T has completed its design to relocate its cables underground and has provided the City with a Special Construction Agreement. Authorization for the City Manager to proceed with finalizing the contractual agreement is needed prior to commencement of work. AT&T estimates the cost of this work to be \$150,000.00. Funds to cover this anticipated cost are available in the 2011 Budget, Capital Improvements Fund/ Capitol Improvements Project/Savannah Gardens, Account No. 311-9207-52842-PD400.

Truck and Tractor Tires – Annual Contract – Bid No. 11.038. Approval to procure truck and tractor tires from SOS Radial Tire in the estimated amount of \$253,661.88. The truck and tractor tires will be used by Vehicle Maintenance for replacement tires on City vehicles. Delivery: As Needed. Terms: Net-30 Days. Funds are available in the 2011 Budget, Internal Service Fund/Vehicle Maintenance (Account No. 611-1130-51360).

Lot Clearing Pre-Qualification – Annual Contract – Bid No. 11.022. Awarded an annual contract for lot clearing services to SABE, Inc., Tri Scapes, Inc., Summerfield's Savannah, Complete Lawn Care, Devillars Lawncare & Pressure Washing, All in One Services, Pough's Landscape and Martin and Brooks Landscaping for an estimated total amount of \$103,288.00. The contract will be used by Property Maintenance to clear 370-400 overgrown and debris strewn lots throughout the city. The eight contractors listed were selected through a pre-qualification process. Each will be given an initial list of 10 - 12 lots to be cleared. Upon satisfactory completion of the first list, the contractor will be given another list of lots to clear. This will allow each contractor to complete work based on their available staffing and work load. The contract includes provisions to add pre-qualified contractors to the contract as they become available. Delivery: As Needed. Terms: Net-30 Days. Funds are available in the 2011 Budget, General Fund/Property Maintenance/Other Contractual Services (Account No. 101-3106-51295).

Roofing Materials for Summer Rehab program – One Time Purchase – Bid No. 11.025. Approval to procure roofing materials for the summer rehabilitation program from Southern Roof Center in the amount of \$157,217.50. The materials will be used by various youth and young adult groups that visit Savannah and rehabilitate homes in various city neighborhoods through the World Changers and other volunteer programs. The Housing Department oversees this program each year. The reason for not awarding to the low bidder is that Howard Lumber Company is located in Statesboro and does not have a facility in Chatham County as required by the specifications. The requirement is needed to facilitate quick delivery and pick up of additional materials if needed. Delivery: As Needed. Terms: Net-30 Days. Funds are available in the 2011 Budget, Community Development Fund/Emergency Repair/Construction Supplies and Materials (Account No. 221-3259-51340).

Extended Warranty Services for Mobile Data Terminals for Savannah-Chatham Metropolitan Police Department – Sole Source. Approval to procure extended warranty services from Prosys Information Systems in the amount of \$63,140.00. The warranty includes service and maintenance for the 154 mobile data terminals (MDTs) currently in use by the Savannah-Chatham Metropolitan Police Department. The reason for the sole source is that Prosys was the original contractor that provided the MDTs and has continued to provide warranty service on these units. Information Technology wishes for continuity of response to maintain the full service of each unit from the original provider of the equipment. Delivery: As Needed. Terms: Net-30 Days. Funds are available in the 2011 Budget, Internal Service Fund/Computer Replacement/Computer Hardware/Software (Account No. 612-9240-51510).

Low Voltage Cabling Services – Annual Contract – RFP No. 11.031. Awarded an annual contract for installation of low voltage cable from NetPlanner Systems in the amount of \$33,106.98. The work will include underground low voltage cable installation for planned projects and emergency repairs in the case of accidents, storms, hurricanes, or equipment failures and will be used by Information Technology. Projects planned for 2011 include the Midtown Municipal Center and the Bull Street Fire Station. The method used for this procurement was the Request for Proposal (RFP) which evaluates other criteria in addition to price. The criteria evaluated as part of this RFP were the

proposer's qualifications and experience, technical capabilities, and references in addition to the costs. The reason for not awarding to the two lowest proposers was that the lowest proposer did not have the required certifications for technicians as specified in the RFP. The second lowest proposer did not have an office located within a 25 mile radius of Savannah and could not meet the required two hour service response time. Delivery: As Needed. Terms: Net-30 Days. Funds are available in the 2011 Budget, Capital Improvements Fund/Capital Improvements Projects/Other Costs/Midtown Center/Bull Street Fire Station (Account No. 311-9207-52842-PB530).

Chemical Oxygen Demand Analyzer – RFP No. 11.048. Approval to procure an chemical oxygen demand analyzer from Skalar, Inc. in the amount of \$41,320.00. The analyzer will be used the Water Reclamation Laboratory to automate the analysis of its samples including untreated waste, treated waste, sludge and surface water (including brackish waters). A lower cost proposal was submitted but failed to meet most of the specifications and was therefore considered non-responsive. The method used for this procurement was the Request for Proposal (RFP) which evaluates other criteria in addition to price. The criteria evaluated as part of this RFP were qualifications and experience, support capabilities, technical capabilities, performance of equipment, and references in addition to the costs. Funds are available in the 2011 Budget, Water & Sewer Operating Fund/President Street Plant/Equipment Maintenance (Account No. 521-2553-51520).

Janitorial Services for Leisure Services – Annual Contract – Bid No. 11.019. Awarded an annual contract to procure janitorial services from CKC Enterprises in the amount of \$47,453.00 and Superior Janitorial Services in the amount of \$91,500.00. The janitorial services are needed to clean Recreation Centers, Golden Age Centers, Recreation and Buildings and Grounds Administrative Offices. On Group A, Speaks Cleaning, L.J. Enterprises, John Garvin, and S & E Cleaning were not selected because they did not have two years commercial experience as requested. Moura's Cleaning wanted all locations or none and does not have the number of employees to handle this large account. Right Solutions Janitorial and Facility Group do not have local commercial experience and Jani-King got a bad reference from the Sand Gnats due to poor performance. CKC was not selected for Group B because the locations are being awarded according to proximity and it was felt the account was too large to award to one contractor. CKC also cleans all of City Lot. Speaks Cleaning, LJ Enterprises, and John Garvin do not have two years commercial experience. Moura's Cleaning wanted all or none and does not have the number of employees to handle this large account. Right Solutions Janitorial and Facility Supply Group were not selected because they do not have two years local commercial experience. American Janitorial was not selected due to having other large contracts with the City and concern that they would be over extended. It was recommended that Superior Janitorial be awarded these items due to excellent performance on the current contract. Delivery: As Needed. Terms: Net-30 Days. Funds are available in the 2011 Budget, General Fund/Buildings and Grounds/ Janitorial Services (Account No. 101-6120-51243.)

Aerial Bucket Trucks – One Time Purchase – Bid No. 11.046. Approval to procure two 58' aerial bucket trucks from J.C. Lewis Ford in the amount of \$235,850.00. The trucks will be used by Park and Tree to replace units 2202 and 2203 which are no longer economical to repair or operate. Delivery: 180 Days. Terms: Net-30 Days. Funds are available in the 2011 Budget, Vehicle Replacement Fund/Vehicle Purchases/Vehicular Equipment (Account No. 613-9230-51515).

Utility Body Trucks – One Time Purchase – Bid No. 11.051. Approval to procure six utility body trucks from Bartow Ford in the amount of \$141,674.00. The trucks will be used to replace units 0101 (Vehicle Maintenance), 3201 (Stormwater), 5824 and 5825 (Lift Station Maintenance), 4842 (President Street Plant) and 3803 (I and D). All of the trucks scheduled for replacement are no longer economical to repair or operate. Delivery: 90-130 Days. Terms: Net-30 Days. Funds are available in the 2011 Budget, Vehicle Replacement Fund/Vehicle Purchases/Vehicular Equipment (Account No. 613-9230-51515).



Replace Room Dividers in Civic Center – Bid No. 11.052. Approval to procure 4 room dividers with installation from Construction Specialties in the amount of \$45,530.00. The room dividers will replace the meeting room dividers on the second floor of the Civic Center. The existing dividers are mechanically undependable and the coverings are torn and dirty. The new dividers have paintable surfaces and can be easily cleaned. Delivery: 40 Days. Terms: Net-30 Days. Funds are available in the 2011 Budget, Capital Improvements Fund/Capital Improvement Projects/Other Cost/Refurbish 2nd Floor Civic Center (Account No. 311-9207-52842-CC601).

Tractor – One Time Purchase – Requisition No. 11202509. Approval to procure one tractor from Hendrix Machinery in the amount of \$26,503.00. The tractor will be used by I and D (Industrial and Domestic) to replace unit 0111 which is no longer economical to repair or operate. In February 2010, Hendrix was awarded Bid No. 10.023 and has offered to extend the bid price for this purchase. The reason for not awarding to the low bidder, Low Country Machinery, is that the equipment they offered did not include the enclosed cab. Delivery: 15 Days. Terms: Ne-30 Days. Funds are available in the 2011 Budget, Vehicle Replacement Fund/Vehicle Purchases/Vehicular Equipment (Account No. 613-9230-51515).

Grounds Maintenance for Parks and Medians – Annual Contract Renewal – Bid No. 11.069. Renewed an annual contract to procure grounds maintenance for parks and medians from All in One Services in the amount of \$30,940.00. The grounds maintenance will be used by Park and Tree to maintain Floyd Adams and West Bay Parks and White Bluff and Middleground Road medians. All in One has agreed to match the price of the low bidder, Blankenship Landscape, Inc., under the City's local vendor preference ordinance. All In One Services' original bid was \$31,200.00. This is the first of two renewal options. The reason for not originally selecting the low bidder is that Davis Lawn Care withdrew their bid due to an error in pricing. Delivery: As Needed. Terms: Net-30 Days. Funds are available in the 2011 Budget, General Fund/Park & Tree/Other Contractual Services (Account No. 101-6122-51295).

Irrigation Pump Stations – Bid No. 10.291 – Savannah/Hilton Head International Airport. The Savannah Airport Commission received approval to enter into a contract with Turf Services Unlimited in the amount of \$71,985 for two installed irrigation pump stations. Phase 2 of the Airways Avenue corridor irrigation system is programmed to begin this year using water from the pond near the hotels. Phase 3 is scheduled for next year and will use water from the Gulfstream Road pond. This will require the installation of two pumping stations to support the full irrigation system which is scheduled to be completed in 2012. The Commission has been receiving very good pricing for almost all of its bids and added the Phase 3 pump station to the Phase 2 pump station bid.

Water and Sewer Agreement – JIT Rail Served Warehouse and Louisville Road Watermain Extension. BTL Holdings, LLC received approval for a water and sewer agreement for JIT Rail Served Warehouse and Louisville Road Watermain Extension. The water and sewer systems have adequate capacity to serve this 3.05 equivalent residential unit development located on Louisville Road. The agreement is consistent with policy directives given by the Mayor and Aldermen and has been reviewed and approved by the City Attorney for legal format.

Engineering Consultant Services for Baldwin Park Drainage Improvements – Sole Source – Requisition No. 11201509. Approval to procure consultant engineering services for Baldwin Park Drainage Improvements from Hussey, Gay, Bell and DeYoung, Inc. (HGBD) in the amount of \$64,440.00. The work to be completed includes preparation of plans and documents for the construction of a new relief line from the Baldwin Park area to the outfall line in 39<sup>th</sup> Street. This will also include a method to isolate the line from the remaining existing system, and to allow the City to extend a separate and isolated relief line from the Baldwin Park drainage only to the Live Oak outfall without construction of a new structure. The work will also include hydraulic modeling services to determine impacts of the relief line on the Live Oak outfall area for the 5, 10, 25, 50 and 100 year design storms. The reason for the sole source is that HGBD was selected for their expertise and prior experience in the basin, and particularly for their work on the

model used to size the improvements in this area. This consultant is currently working on a basin wide modeling project that ties extremely well into this drainage improvement project. This project is particularly sensitive to evaluation for impacts to the rest of the basin, as it is located at the extreme boundary of the basin, and its runoff has to pass completely to the other end of the basin, miles away, and past thousands of City residents and residences. Coordination between the two projects is much easier for the City's project management team working with a single consultant. There were no MWBE goals established for this project. However Hussey, Gay Bell and DeYoung has agreed to sub-contract 15% of the contract to Coastline Consulting Service, an MBE, to be responsible for utility locations, utility coordination, peer review of plans prior to submittal and mitigation design services. Delivery: 165 Days. Terms: Net-30 Days. Funds are available in the 2011 Budget, Capital Improvements Fund/Capital Improvements Projects/Other Costs (Account No. 311-9207-528420).

Alderman Osborne stated the long, awaited drainage improvement to Baldwin Park is about to happen. A few months back they had the underground telescoping to mark the indicators as to where the connections need to go. She said, in driving through the neighborhood there are visible white, chalk markings on the ground. She stated the Council Resident Larry Stuber was absent this day, but he had reviewed this process and insured, with his expertise, the things needed to get done, would get done. She personally and publically thanked Alderman Stuber for his help. Also, Bob Scanlon and his staff have done a wonderful job. She openly thanked everyone involved.

Upon motion of Alderman Osborne, seconded by Alderman Felser and carried, the services were approved.

North Aviation Development – Bid No. 10.309 – Savannah/Hilton Head International Airport. The Savannah Airport Commission received approval to enter into a contract with McLendon Enterprises, Inc. in the amount of \$24,366,600.52 for the North Aviation Development. This project consists of the Relocation of Gulfstream Road, Construct Taxiway H, Extend Taxiway A, and Construct New Airfield Electrical Vault. The Airport is developing approximately 280 acres of vacant property it owns north of the existing airfield in response to continued demand for sites for aviation-manufacturing, general/corporate aviation, and MRO (maintenance, repair, and overhaul) facilities because all the hangars and almost all the hangar sites on the existing airfield are leased. The airport just leased 88 acres of this property to Gulfstream for the first phase of a major expansion of Gulfstream's Savannah business jet manufacturing operations, which will add an additional 1,000+ jobs. Additional sites will be made available for lease to Gulfstream and to others for the construction of additional aviation-manufacturing, general/corporate aviation, and MRO facilities.

Alderman Jackson stated there were some questions brought up in the Council Work Session regarding this contract. Alderman Osborne inquired about the minority participation will be in such a huge, monetary contract. Mr. Sylvester Forney stated they are very familiar with federal contract procedures; and to comply with the standards it must be approved by the Department of Transportation. He said they found approximately 25 companies in the 912 area code; and eight of them had the qualifications for this specific type of work. They will be looking to see if the awardee engages other minorities in the project. Alderman Jackson stated they were interested in making sure local individuals are hired. Mr. Forney stated this is something they take very seriously. Alderman Thomas stated he wanted to express "locally" being Savannah and Chatham County; also they should be a resident not just a post office box. Alderman Johnson pointed out it is a regional airport. Mr. Graham stated they have heavier business in SC than GA. They serve 2 counties in SC and 18 in GA; which is about 770,000 people. Alderman Felser asked, after the contract was awarded, what safeguards are in place for the subcontractors hiring illegal residents and the fact that they are truly citizens with all rights and privileges. Mr. Graham stated the contractors must pay the legal salary and turn in certified payrolls with a pay request and these payrolls are monitored on the rates. Since this is a federal job, the scrutiny is even tighter; and it is not a non-union type of operation. Alderman Felser stated as long as the equal opportunity was there, that is what mattered most. Mr. Forney stated they also go

through the E-Verify process to make sure there was no infiltration of non-qualified people being on site.

Upon motion by Alderman Jackson, seconded by Alderman Osborne and carried, the bid was granted.

### **ALCOHOLIC BEVERAGE LICENSE SHOW CAUSE HEARINGS**

Malone's on the River. A hearing for Brijesh Patel and Arun C. Patel to show cause why their bar known as Malone's on the River at 313-317 W. River Street, located between the Barnard Ramp and Martin Luther King, Jr. Boulevard in District 1, should continue to operate due to violations of State law and City ordinances in allowing underage persons into the establishment on a regular basis prior to the expiration of the 2010 license to sell liquor, beer and wine by the drink. (Continued from March 10, 2011.)

City Attorney James Blackburn stated he had placed in front of each Council member a copy from the City's Revenue Ordinance; the Alcohol Beverage Ordinance. He stated this was a Show Cause Hearing on the applicant who has applied to renew a 2010 Alcohol Beverage License at the business commonly known as Malone's. He said Malone's is a night club type bar, with entertainment and a pouring license. In early January Attorney Blackburn wrote a letter to the 2010 license holder; which he called attention to the license holder that cases had been made of violations through the Revenue Team along with the Savannah Police, and the State Revenue Director for allowing sales to underage persons who were illegally in this establishment. Attorney for Malone's, Steven E. Scheer stated there were no sales. Attorney Blackburn stated the hearing was continued to allow the applicant to file his 2011 renewal application; this has been continued several times since and there has been considerable difficulties that he worked on with Attorney Scheer; it was getting the final application in and in final order. Attorney Blackburn stated he forwarded to Attorney Scheer the application with errors and strike-outs, and it was difficult to understand in the application as to the prior record of the applicant as well as the ownership interest that the applicant might have in this establishment. Attorney Blackburn entered into the record, without objection, that this business as stated in the application is owned by a corporation being PEV International, Inc., which is a registered corporation in the State of GA. The president of that corporation is the apparent owner of the assets of the corporation and the CEO of the corporation is identified as Arun C. Patel. It is Attorney Blackburn's understanding that Arun C. Patel is the actual owner of the business and he was notified and he asked Attorney Scheer if he was present this day; to which Attorney Scheer stated no, that he was representing Mr. Patel. Alderman Jones asked about the presence and interest of Brijesh Patel. Attorney Blackburn stated the holder of the license for 2010 and the applicant for 2011 is Brijesh Patel he was also the applicant in 2008 and the full year of 2009 and 2010. He was the holder of the license when they were charged in late 2010. Mr. Patel finally got his application for renewal in for 2011. The 2010 application indicates he was an officer of the corporation and he had some ownership interest in stock in the corporation. The 2011 application indicates that Brijesh Patel, the applicant, has no ownership interest in the corporation or the business. However, he is listed and it is perfectly legal, that the name of the owner may not be a citizen or a resident; but as long as a resident of Chatham County is designated as the manager or the person in charge, they can be a license holder and do not have to be an owner; and analogy may be a hotel or some other type of chain outfit. It is not a legal requirement that he have ownership interest. Attorney Blackburn stated he pointed this out because the application further states, through all three of the years, that he would be the person in charge and the license holder and the on-site manager. When the license was issued in 2008, Malone's business and Mr. Patel as the license holder, submitted a plan of operation of how they were going to operate the place and it has been decided that that is still the plan of operation. In the mean time, Attorney Blackburn stated he wanted to call attention to the excerpts from the Alcohol Beverage Code which gives the grounds for reasons of denial. This is a recommendation of denial of this renewal on the grounds that Mr. Patel, during these times when the problems arose there, though he is listed as the license holder, it does not appear he was on site and in charge of the operation and others in the business were given citations. The grounds stated in the ordinance are numerous, but included

among the grounds, which Council in its discretion may use is in paragraph six. It states all licenses listed under this chapter shall be subject to the rules and regulations set forth in the General Assembly known as the Georgia Alcohol Beverage Code. The Georgia Alcohol Beverage Code sets forth the statutes such as selling to minors and underage people in the establishments. To legalize and control alcohol beverages and liquors is now and hereafter mentioned, and (Attorney Blackburn stated this is the key issue) those prescribed by the State Department of Revenue, in violations of these statutes and regulations, shall be violations of this code and this ordinance. It is not necessary nor is it allowed for a case to be made, in fact the Assistant City Attorney moved in Records Court to dismiss the citations against the owner or the manager because they were not present and there is no vicarious liability on the license holder if one of his employees sells. However, it is a violation of the State Department Regulations and a violation of the City ordinance for minors to be served in the establishment. The case law, Attorney Blackburn stated in his opinion, was a remedy for the City Council in the enforcement of the duties of the license holder – is against the license holder; that is why the Show Cause is against the license holder. Although the ownership appears in someone else, the specific violation upon which discriminatory could be made, and have been made, are against employees. He stated he forwarded a final application and his findings to Attorney Scheer asking him if in fact it was correct. They agreed the statement of fact is correct the applicant is not the owner. Attorney Scheer stated it was his understanding that the applicant does not have any ownership interest. Attorney Blackburn stated the application states he does not have any ownership interest and Attorney Scheer agreed, that was correct.

Attorney Blackburn stated it was his opinion that what they should present to Council was, they have an application, and the ordinance requires if there is a change in 2010; it has to go before Council, not necessary a Show Cause, but it is not an automatic approval; the Revenue Director cannot approve it since there was a change. The recommendations are because of the various violations that went on. Attorney Blackburn stated Revenue Director Tom Vanderhurst, Supervisor Judee Jones, Corp. Andria Williams, and Mark Sprayberry of the Georgia Department of Revenue were present to testify to the violations of the rules and regulations of the Revenue Department. Attorney Blackburn asked Attorney Scheer to call his witnesses Paul Robinson and Shauqueta Baker. Attorney Scheer stated he notified Mr. Arun C. Patel and he acknowledged the notification of January 7<sup>th</sup>. Attorney Blackburn stated he felt because Mr. Arun C. Patel was listed as the corporate president and owner of the business, he should be notified and he should be present. He stated he wanted to point out Mr. Arun C. Patel was not present at the establishment when the various charges were made.

Alderman Jones asked whose name was on the application submitted in 2011. Attorney Blackburn stated the name on the application was the same; and he has a right to apply even though he does not own an interest in the business. This is a business that has had difficulty and he has no ownership interest, but apparently the management of the business is what is in question. Alderman Jones stated the application is in Brijesh Patel's name. Attorney Blackburn stated the holder of the license is held accountable. He said he was trying to make the point, in writing citations, the fact that it happened in his business, is not a crime that he committed. However, he is held accountable to Council, the manner in which he ran his business.

Attorney Scheer extended his appreciation to Mayor and Council for the consideration they showed him and his family. For the record, he submitted to the Clerk of Council their statutory objections to preserve any legal right they have. Subject to those objections, they were ready to proceed. At this time Attorney Blackburn swore-in the above mentioned present.

Attorney Blackburn called Mark Sprayberry to the stand and asked him to identify himself and his position in the enforcement from the Department of Revenue. Mr. Sprayberry stated he was from the Alcohol, Tobacco & Law Enforcement Division. The division enforces all laws of alcohol, tobacco, and coin operated machinery. On the 21<sup>st</sup> of January, 2011 at approximately 20:10 hours, he and agent Matt Auburn went to the establishment known as Malone's on River Street to perform an inspection. During the course of the inspection, he walked to one of the multiple bars located in the club. From

the front door, turning towards the left the bar is like an island, sitting alone and there is a black, male bartender there. He asked the bartender how much he sells bottles of liquor for; he responded that different bottles of liquor cost different prices, and at that time he asked Agent Sprayberry if he wanted to see a bottle list.

Attorney Scheer stated he thought they were there for the incident of January 7, 2011. Mayor Johnson asked both attorneys to stay focused and let the witnesses present their information then they could cross examine them; but the constant interruption would have everyone there until midnight. He asked Attorney Scheer to wait until the witness has finished speaking.

Attorney Blackburn asked Agent Sprayberry if he checked into the methods used by the various license holders in dispensing alcohol beverages; and whether or not they are obeying the state law in selling to underage people and the proper people to sell to. Agent Sprayberry stated the Department of Revenue is a specialized division that inspects this. Attorney Blackburn asked, on December 4<sup>th</sup>, if his agents along with the City's Revenue Department and the City's Police Department's team visited this establishment. Agent Sprayberry stated he was not there on December 4<sup>th</sup>; he conducted an inspection on January 21st. Blackburn asked Sprayberry if he found violations and what they were. Sprayberry stated there were 3-total citations cited on that date: 1) failure to notify the Department of Revenue of disciplinary action taken against the business by the City of Savannah. The Department has received notice by the City that they had issued citations for allowing minors to enter their establishment. They were supposed to notify the State once they received any type of citation where disciplinary action is taken against the establishment. They failed to do so; 2) a citation was for unlawful activities in violation of City of Savannah ordinance 6-1223C. Mayor Johnson asked the definition of the ordinance to which Corp. Williams stated it was allowing underage in the establishment; 3) the club received a citation for selling full-bottles of distilled spirits while only being licensed for sales by the drink. Attorney Blackburn stated these were State Department Revenue violations. He asked Agent Sprayberry if he visited bars in Savannah during the St. Patrick's Day festivities. Sprayberry stated he did not personally, but his department did. Blackburn asked if they issued citations were issued for violations and Sprayberry stated they were. Attorney Scheer interrupted, stating he could not cross-examine someone that wasn't present that night. Attorney Blackburn stated there was someone who was there that night present. Blackburn made the point that the State Department of Revenue does have regulations and they do offer enforcement assistance to local enforcers of their regulations as well as the State Law. Also, Sprayberry's department has been involved with several violations in reference to the establishment in question. Sprayberry answered that was correct. Blackburn asked him if Mr. Patel was issued a citation for being involved with dealing in illegal cigarettes.; Sprayberry stated that was correct. Attorney Scheer stated they were there for a Show Cause Hearing that mentions nothing else. They were there on whether or not they had violated the City ordinance and whether or not they would be given a 2011 license. Blackburn stated he disagreed and he cited a section which says a violation by any state or federal law or regulation or other municipal ordinance, at any time adopted relating to sale, use, or distribution of alcohol beverages. Mayor Johnson stated he wanted to find out the worthiness of this applicant to receive a license that is not a right, but a privilege. He stated this line of questioning was helping him understand the credibility of this applicant who has run this establishment for the past three years. There were citations that can be disputed but there were also citations that must be considered. Therefore, he believed this line of questioning is reasonable. Attorney Blackburn stated, for the record, that the establishment has been cited but no determination has been made; a hearing has been set.

Attorney Scheer asked Agent Sprayberry if he was aware of the citations issued in December, 2010; Sprayberry stated he was not. Scheer asked him if he was aware that those citations were dismissed; Sprayberry stated he was not. Alderman Jackson asked if the local citations issued by the City were dismissed in court; Corp. Williams stated they were. Alderman Thomas stated if they were dismissed then they were issued new citations and were still violating the law. Whether they were being dismissed or whether they were sticking, something was going on that was not right. Whether it is dealt with this day or the next, there was still a problem with this establishment. Scheer asked Council to hold their judgment until he makes his presentation. Alderman Thomas stated

he was going by the testimony of the officer and that he had never been in a bar in Savannah that sells whole bottles of liquor. Alderman Johnson stated he was sure Alderman Thomas would withhold his judgment until he has heard all the fact; to which Thomas stated he would.

Attorney Scheer asked Agent Sprayberry if they were cited for selling un-packaged. Sprayberry stated they were selling full-bottles. Scheer stated he did not actually see a sale he saw a price list; Sprayberry stated that was correct. Scheer stated this was a Show Cause Hearing about whether or not they have violated the City ordinance and nothing else. Scheer asked Sprayberry to show in the State statute where it does not allow a bar to sell a whole bottle and open it as long as they don't take it off the property. Sprayberry stated they went by the City license which was for sale by drink only. He stated if someone has a City license for beer, and wine and a State license for beer, wine, and liquor, they may not sell liquor. The State upholds the City license. (Tape not audible) Scheer stated they broke no State laws except the Revenue Regulations; Sprayberry stated that was correct. Sprayberry stated he was informed by the male bartender and Ms. Barker that it was a common practice to sell full bottles of liquor.

Attorney Blackburn asked Tom Vanderhost, Revenue Director for the City of Savannah to recount to Council the violations of December 4<sup>th</sup> and the charges that were made. Vanderhost stated he entered Malone's with Corp. Andria Williams and Judee Jones. They went to Malone's because Jones had received information via Facebook, on the internet, that there were invitations being sent out to people under the age of 21. Jones had gone to Malone's earlier and told Ms. Baker she had received the information and that they were going to be out looking and to please not let people under 21 in her establishment. He stated they were checking other clubs that night also; while in Malone's Jones and Williams spotted some young ladies in the VIP section. They asked the ladies how old they were and the all indicated they were various ages, under the age of 21. Also they stated the door men knew they were under the age of 21 and because of this they put a big, black X on their forearm, indicating that they were not to be served. Corp. Williams verified their ID and took 5 of them outside the bar to do the administrative part, then went back inside to get 4 more young ladies. He stated one of the issues he and Williams had was, the ladies showed their ID, and received advertisement on the internet stating they were allowed in the club and they were marked accordingly. Attorney Blackburn stated the point he was making was on December 4, 2010 observation by Vanderhost's team, that there were underage persons in the bar and had been served; citations were given and statements were taken from the various people involved, and a citation was not given to the license holder, but to the person who appeared to be in charge. Vanderhost stated that was correct. Blackburn stated since the issue would be raised in reference to what happened to the citations, the initial appearance of the persons on the door and the bartender who served, offered a plea of guilty in recorder's court; Vanderhost stated that was correct. Blackburn stated the case was continued and citations were issued to the license holder and the persons who had the ownership interest; Vanderhost stated that was correct, but they did not verify that the people were actually served. Blackburn asked that after the new application was perfected, and prior to the St. Patrick's Day violations, Vanderhost's team made visits during the busy season, and some off his team accompanied other agents and determined the violation of selling of the full-bottles; Vanderhost stated that was correct. Blackburn stated that Vanderhost's team did not cite them for the violation of selling the full-bottles because it was a State violation; Vanderhost stated that was correct. Blackburn asked that during the holiday celebrations and the enforcement of visiting of the bars, and accompanied by the State Revenue Agents, what they found in this particular bar. Vanderhost stated his team was with 3 or 4 other State Revenue Agents, and they visited several clubs and left and were not present when the agents made the purchase in the club. Blackburn asked if citations were issued and Vanderhost stated they were. Blackburn stated the point he wanted to make to Council, with Vanderhost's testimony was, there was a same pattern of operation that minors were in the bar and they were served; Vanderhost stated that was correct. Alderman Osborne asked if the X on their arm indicated that they were underage and were not supposed to be served. Vanderhost stated there was an incident where they were not served but one incident where the underage got by the door person and he was served but he was not marked. Alderman Osborne stated the "system" was supposed to establish underage. Alderman Thomas

asked Vanderhost if he was saying that the people were under age, and marked, and X-ed at the door, and allowed into the club, even though they were underage, and they were in the VIP area of the club. Vanderhost stated they found the X mark on all nine of the women they checked. Thomas stated they knew there were at least nine people and there could have been others. In a VIP room in most clubs it is a curtained area and it's private and no one else will enter. Someone in the VIP room could have been sitting and having drinks with nine under aged girls. Alderman Felser asked the age of the girls and Corp. Williams stated 18 and 19 years of age. Alderman Jackson asked why the club was doing this when they knew they were violations. She asked where the rule came from to X people if they were under age and allowing them to go into the club. Vanderhost stated one of the principals of the club called Judee Jones and asked about under age people. Alderman Thomas stated he knew Judee well enough to know she would not have allowed this; to which Ms. Jones stated that was correct.

Attorney Scheer asked Vanderhost what he personally observed; he stated he observed that some young ladies were shocked that they were confronted by police about being in the club, and some of them were from out of town, and one actually started crying that she was going to be cited. Scheer asked how many times they conducted an operation to catch under age people in the club. Vanderhost stated maybe 2 or 3 times and also by the Department of Revenue. Scheer asked what happened during these times. Vanderhost stated he did not participate that Corp. Williams was present then. Scheer asked him if he was in the club on December 4<sup>th</sup> and did he know how the girls got in the club. Vanderhost stated he was there and he imagined they came in by the front door and they told him the door person stated they saw they were under 21 and they put an X on their forearm. (Tape not audible)

Alderman Jones asked Corp. Williams if they could verify that someone other than the owners put the X's on the young ladies; to which she stated she could not verify that. (Tape not audible)

Alderman Johnson moved to close the hearing, seconded by Alderman Thomas and carried. Alderman Felser asked Attorney Blackburn what the legal options were. Blackburn stated they could approve the license or deny the renewal of the 2011 application, or they could suspend for a period of time. Alderman Johnson addressed Mr. Scheer and stated he knew that he was a very experienced attorney, but not a magician. He stated the reality was, there was a public safety issue and it was not a one-time situation and that he felt sorry for Ms. Baker but obviously she had no control over what was going on in the establishment. He stated it was time for Council to make a decision. Scheer asked that they be treated as everyone is treated. Mayor Johnson stated there was a pattern they have to deal with and the issue is do they turn their heads to this pattern or do they say enough-is-enough. Alderman Osborne stated that it appears that the problems occur with the renters and their promotions.

Alderman Thomas made a motion to deny the renewal of the application for the renewal pertaining to the establishment of Malone's seconded by Alderman Felser, and carried.

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Mayor Johnson stated several City employees celebrated their early retirement recently. Eight individuals had a total of 222 years of service to the City of Savannah; one being with the City for 39 years. He said these are not the only employees who took the early retirement.

Mayor Johnson stated a position on the Coastal Board Investment Board needed to be filled by the City. This is a position that the Assistant City Manager of Public Development normally holds; therefore this appointment is only temporary. Upon motion by Alderman Johnson, seconded by Alderman Sprague and carried, Stephanie Cutter was appointed to serve in the position until the position is permanently filled.

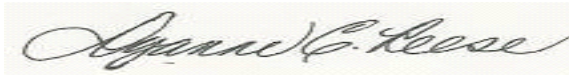
City Manager Rochelle D. Small-Toney expressed to Council that she was very humbled but the unanimous support of Council this date and it was her honor to serve as the City Manager. She looked forward to continuing her service to the Mayor and Aldermen, the

entire City organization, and the community at large. Savannah is a very vibrant City with many opportunities for growth, both now and in the future and she appreciated the opportunity to work with Mayor and Council to move the City forward. Again, she expressed her very sincerest thank you. Mayor Johnson asked Ms. Toney, as a way of making Council feel the direction that they should go, at the next Work Session to present her 90-day plan. He stated this was a partnership and Ms. Toney stated she would be glad to present it.

Upon motion by Alderman Sprague, seconded by Alderman Jackson and carried, \$25,000 was allotted for the Savannah Ocean Exchange, which will host an event in the fall. Alderman Thomas stated he wanted to reiterate the discussion in the Work Session. He was not against the \$25,000 contribution towards establishing the Savannah Ocean Exchange; however it was discussed in the Work Session to develop a taskforce so that in the future, when these types of opportunities come forward that require City funds, they would go through a criteria test that basically prevent them from opening Pandora's Box to everyone in the world. It would be for things that have definite benefits for the City and establishing things long-term in Savannah. Alderman Sprague, Felser, and Jones agreed to work on this taskforce. Alderman Felser asked for the balance of the discretionary fund account, as well as the account names that match the corresponding numbers on the City accounts; this would be helpful when the taskforce meets. Alderman Jones stated it was his understanding the taskforce was supposed to meet and then give a recommendation, before awarding the money. Alderman Osborne stated that Alderman Jones was correct, but this issue was time sensitive; therefore there was a consensus to approve this one issue, but none other until they go through the process.

Alderman Johnson wished Mayor Johnson an early birthday.

There being no further business, Mayor Johnson declared this meeting of Council adjourned.

A handwritten signature in cursive script, reading "Dyanne C. Reese". The signature is written in dark ink on a light-colored, slightly textured background.

Dyanne C. Reese  
Clerk of Council